

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**RUTH SMITH**, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

**SUNPATH, LTD.**,

Defendant.

**Case No. 1:22-cv-81-LMB-TCB**

**DEFENDANT SUNPATH, LTD.'S  
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

COMES NOW Defendant SunPath, Ltd. ("SunPath"), by and through counsel, and hereby moves this Court pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Plaintiff Ruth Smith's Complaint, ECF No. 1. The grounds for SunPath's Motion to Dismiss are set forth in the concurrently filed Memorandum in Support pursuant to Local Rule 7.1(F)(1).

Dated: May 6, 2022

Respectfully submitted,

SUNPATH, LTD.

By Counsel

/s/ Gregory M. Caffas

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**CERTIFICATE OF SERVICE**

I hereby certify that I caused the above and foregoing SunPath, Ltd.'s Motion to Dismiss Plaintiff's Complaint be served upon counsel of record in this case via the U.S. District Court CM/ECF System on May 6, 2022.

/s/ Gregory M. Caffas  
Gregory M. Caffas